

351.94
ILGA
cop. 3

STATE OF ILLINOIS
DWIGHT H. GREEN, *Governor*



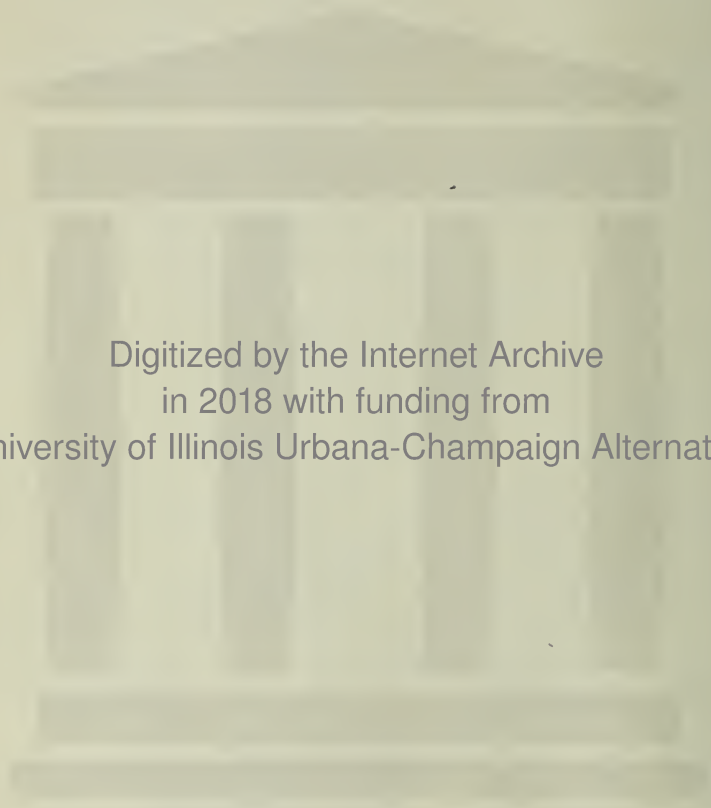
AN ACT IN RELATION TO
**JUDICIAL REVIEW OF DECISIONS
OF ADMINISTRATIVE AGENCIES**

(Known as the "Administrative Review Act.")

APPROVED MAY 8, 1945. IN EFFECT JANUARY 1, 1946.

THE DEPARTMENT OF REVENUE
of the
STATE OF ILLINOIS

(Printed by authority of the State of Illinois.)



Digitized by the Internet Archive
in 2018 with funding from
University of Illinois Urbana-Champaign Alternates

STATE OF ILLINOIS
DWIGHT H. GREEN, *Governor*



AN ACT IN RELATION TO
**JUDICIAL REVIEW OF DECISIONS
OF ADMINISTRATIVE AGENCIES**

(Known as the "Administrative Review Act.")

APPROVED MAY 8, 1945. IN EFFECT JANUARY 1, 1946.

THE DEPARTMENT OF REVENUE
of the
STATE OF ILLINOIS

(Printed by authority of the State of Illinois.)

THE LIBRARY OF THE
SEP 12 1945
UNIVERSITY OF ILLINOIS



14

(84726)

351.94
I 66a
copy 3

INDEX

	Page
A	
Act, Text of.....	5-9
Effective date of	9
Scope of	5
Short title of	9
Title of	5
Action, commencement of	6
Administrative Agency, defined	5
Affirmance of decision	8
Amendments	8
Answer	7
Appearance of defendants.....	7
Appellate Court, review by.....	9
Appellate Review	9
Assignment, substitution of parties.....	8
B	
Bankruptcy, substitution of parties.....	8
Board, defined	5
Body of persons, defined.....	5
Bonds, when required	8
Bureau, defined	5
C	
Circuit Courts, jurisdiction of.....	6
Civil Practice Act, applicable.....	9
Commission, defined	5
Complaint	7
Cost of record.....	7
Courts—	
Appellate, review by.....	9
Circuit, jurisdiction of	6
Superior, jurisdiction of.....	6
Supreme Court, power of.....	6
Trial, findings of fact by.....	8
Powers of	8
D	
Death, substitution of parties.....	8
Decision—	
Affirmance of	8
Defined	5
Reversal of	8
Defendants	7
Appearance of	7
Definitions:	
Administrative Agency	5
Administrative Decision	5
Board	5
Body of persons.....	5
Bureau	5
Commission	5
Decision	5
Department	5
Group	5
Officer	5
Person	5
Department, defined	5

E

	Page
Errors, technical	9
Evidence	8

F

Fact, findings of.....	9
------------------------	---

G

Group, defined	5
----------------------	---

J

Jurisdiction	6
Appellate Courts	9
Circuit Courts	6
Superior Courts	6
Supreme Court, review.....	9

M

Marriage, substitution of parties.....	8
--	---

O

Officer, defined	5
------------------------	---

P

Parties—	
Defendant	7
Appearance of	7
Plaintiff	7
Substitution of	8
Person, defined	5
Pleadings, on review	7
Answer	7
Complaint	7
Power of Supreme Court to make rules.....	6
Trial Court, on review.....	8

R

Record—	
Cost of	7
After remandment	7
On review	7
Remandment of record	8
Reversal of decision.....	8
Review, record on	7
Court, powers of, on.....	8
Pleadings on	7
Scope of	8

S

Service of summons	6
Substitution of parties.....	9
Summons, service of.....	6

T

Technical errors	9
Testimony, remandment for taking.....	8

V

Venue	6
-------------	---

THE "ADMINISTRATIVE REVIEW ACT."

Approved May 8, 1945. In effect January 1, 1946.

AN ACT in relation to judicial review of decisions of administrative agencies.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. DEFINITIONS.] For the purpose of this Act: "Administrative Agency" means a person, body of persons, group, officer, board, bureau, commission or department (other than a court, judge, justice of the peace or magistrate) of the State, or of any political subdivision thereof or municipal corporation therein, having power under law to make administrative decisions.

"Administrative decision" or "decision" means any decision, order or determination of any administrative agency rendered in a particular case, which affects the legal rights, duties or privileges of parties and which terminates the proceedings before the administrative agency. In all cases in which a statute or a rule of the administrative agency requires or permits an application for a rehearing or other method of administrative review, and an application for such rehearing or review is made, no administrative decision of such agency shall be final as to the party applying therefor until such rehearing or review is had or denied. The term "administrative decision" or "decision" does not mean or include rules, regulations, standards, or statements of policy of general application issued by an administrative agency to implement, interpret, or make specific the legislation enforced or administered by it unless such a rule, regulation, standard or statement of policy is involved in a proceeding before the agency and its applicability or validity is in issue in such proceeding, nor does it mean or include regulations concerning the internal management of the agency not affecting private rights or interests.

Section 2. SCOPE OF ACT.] This Act shall apply to and govern every action to review judicially a final decision of any administrative agency where the Act creating or conferring power on such agency, by express reference, adopts the provisions of this Act. In all such cases, any other statutory, equitable or common law mode of review of decisions of administrative agencies heretofore available shall not be employed after the effective date hereof.

Unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision. If under the terms of the Act governing the procedure before an administrative agency an administrative decision has become final because of the failure to file any document in the nature of objections, protests, petition for

hearing or application for administrative review within the time allowed by such Act, such decision shall not be subject to judicial review hereunder excepting only for the purpose of questioning the jurisdiction of the administrative agency over the person or subject matter.

Section 3. SUPREME COURT TO HAVE POWER TO MAKE RULES.] The Supreme Court of this State shall have the power to make rules of pleading, practice and procedure supplementary to but not inconsistent with the provisions of this Act, and to amend the same, for the purpose of making this Act effective for the convenient administration of justice, and simplifying procedure so far as it affects judicial review of administrative proceedings.

Section 4. COMMENCEMENT OF ACTION.] Every action to review a final administrative decision shall be commenced by the filing of a complaint and the issuance of summons within thirty-five (35) days from the date that a copy of the decision sought to be reviewed was served upon the party affected thereby. The method of service of the decision shall be as provided in the Act governing the procedure before the administrative agency, but if no method is provided, a decision shall be deemed to have been served either when personally delivered or when deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to the party affected thereby at his last known residence or place of business.

The form of the summons and the issuance of *alias* and *pluries* writs shall be according to rules of the Supreme Court.

Section 5. JURISDICTION AND VENUE.] Jurisdiction to review final administrative decisions is vested in the Circuit and Superior Courts. If the venue of the action to review a final administrative decision is expressly prescribed in the particular statute under authority of which the decision was made, such venue shall control, but if the venue is not so prescribed, an action to review a final administrative decision may be commenced in the Circuit or Superior Court of any county in which (1) any part of the hearing or proceeding culminating in the decision of the administrative agency was held, or (2) any part of the subject matter involved is situated, or (3) any part of the transaction which gave rise to the proceedings before the agency occurred. The court first acquiring jurisdiction of any action to review a final administrative decision shall have and retain jurisdiction of the action until final disposition thereof.

Section 6. SERVICE OF SUMMONS.] Summons issued in any action to review the final administrative decision of any administrative agency shall be served by registered mail on the administrative agency and on each of the other defendants. Such service on the administrative agency shall be made by the Clerk of the Court by sending a copy of the summons addressed to the agency at its main office in the State. The Clerk of the Court shall also mail a copy of the summons to each of the other defendants, addressed to the last known place of residence or principal place of business of each such defendant. The plaintiff

shall, by affidavit filed with the complaint, designate the last known address of each defendant upon whom service shall be made. The certificate of the Clerk of the Court that he has served such summons in pursuance of the provisions of this section shall be evidence that he has done so.

Section 7. APPEARANCE OF DEFENDANTS.] In any action to review any final decision of any administrative agency, the agency shall appear by filing an answer consisting of a record of the proceedings had before it, or a written motion in the cause or a written appearance. All other defendants desiring to appear shall appear by filing a written appearance. Every appearance shall be filed within such time as shall be fixed by rule of the Supreme Court, and shall state with particularity an address where service of notices or papers may be made upon the defendant so appearing, or his attorney.

Section 8. DEFENDANTS.] In any action to review any final decision of an administrative agency, the administrative agency and all persons, other than the plaintiff, who were parties of record to the proceedings before the administrative agency shall be made defendants.

Section 9. PLEADINGS AND RECORD ON REVIEW.]

(a) *Complaint.* The complaint shall contain a statement of the decision or part thereof sought to be reviewed: It shall specify whether the transcript of evidence, if any, or what portion thereof, shall be filed by the agency as part of the record. Upon motion of any defendant, or upon its own motion, the court may require of the plaintiff a specification of the errors relied upon for reversal.

(b) *Answer.* Except as herein otherwise provided, the administrative agency shall file an answer which shall consist of the original or a certified copy of the entire record of proceedings under review, including such evidence as may have been heard by it and the findings and decisions made by it. By order of court or by stipulation of all parties to the review, the record may be shortened by the elimination of any portion thereof. If the complaint specifies that none or only a part of the transcript of evidence shall be filed as part of the answer and if the administrative agency or any other defendant objects thereto, the court shall hear the parties upon this question and make a finding as to whether all, or if less than all, what parts of the transcript shall be included in the answer. No pleadings other than as herein enumerated shall be filed by any party unless required by the court.

(c) *Record After Remandment.* If the cause is remanded to the Administrative Agency and a review shall thereafter be sought of the administrative decision, the original and supplemental record, or so much thereof as shall be determined by court order or the stipulation of all the parties, shall constitute the record on review.

Section 10. COSTS OF PREPARING AND CERTIFYING RECORD OF PROCEEDINGS BEFORE AGENCY.] If the statute under authority of which the administrative decision was entered provides or requires that the plaintiff in the review proceeding shall pay to the agency the costs of

preparing and certifying the record of proceedings before the agency, the failure to make such payment shall relieve the agency of the necessity of filing the answer required in Section 9 and shall be authority for the entry of an order by the court, on motion therefor by the agency or any other defendant, dismissing the complaint.

Section 11. SCOPE OF REVIEW.] Every action to review any final administrative decision shall be heard and determined by the court with all convenient speed. The hearing and determination shall extend to all questions of law and of fact presented by the entire record before the court. No new or additional evidence in support of or in opposition to any finding, order, determination or decision of the administrative agency shall be heard by the court. The findings and conclusions of the administrative agency on questions of fact shall be held to be *prima facie* true and correct.

Section 12. POWERS OF TRIAL COURT.] (1) The Circuit or Superior Court shall have power:

(a) with or without requiring bond, (except if otherwise provided in the particular statute under authority of which the administrative decision was entered), and before or after answer filed, upon notice to the agency and good cause shown, to stay the decision of the administrative agency in whole or in part pending the final disposition of the case;

(b) to make any order that it deems proper for the amendment, completion or filing of the record of proceedings of the administrative agency;

(c) to allow substitution of parties by reason of marriage, death, bankruptcy, assignment or other cause;

(d) to dismiss parties or to realign parties, plaintiffs and defendants:

(e) to affirm or reverse the decision in whole or in part;

(f) where a hearing has been held by the agency, to reverse and remand the decision in whole or in part, and, in such case, to state the questions requiring further hearing or proceedings and to give such other instructions as may be proper;

(g) where a hearing has been held by the agency, to remand for the purpose of taking additional evidence when from the state of the record of the administrative agency or otherwise it shall appear that such action is just. However, no remandment shall be made on the ground of newly discovered evidence unless it appears to the satisfaction of the court that such evidence has in fact been discovered subsequent to the termination of the proceedings before the administrative agency and that it could not by the exercise of reasonable diligence have been obtained at such proceedings; and that such evidence is material to the issues and is not cumulative.

(h) in case of affirmance or partial affirmance of an administrative decision which requires the payment of money, to enter judgment for the amount justified by the record and for costs, upon which execution may issue as in other cases.

(2) Technical errors in the proceedings before the administrative agency or its failure to observe the technical rules of evidence shall not constitute grounds for the reversal of the administrative decision unless it appears to the trial court that such error or failure materially affected the rights of any party and resulted in substantial injustice to him..

(3) On motion of either party, the trial court shall make findings of fact or state the propositions of law upon which its judgment is based.

Section 13. APPELLATE REVIEW.] Any final decision, order, judgment or decree of the Circuit or Superior Court entered in an action to review a decision of an administrative agency may be reviewed by the Appellate Court unless either the particular statute under authority of which the administrative decision was entered or Section 75 of the Civil Practice Act provides for appeal direct to the Supreme Court, in which case appeal shall lie to the Supreme Court. Appeal from the Appellate to the Supreme Court shall be governed by the provisions of Section 75 of the Civil Practice Act.

Section 14. CIVIL PRACTICE TO APPLY TO PROCEEDINGS.] The provisions of the Civil Practice Act, including the provisions for appeal, and all existing and future amendments of said Act and modifications thereof, and the rules now or hereafter adopted pursuant to said Act, shall apply to all proceedings hereunder, except as otherwise provided in this Act.

Section 15. SHORT TITLE.] This Act shall be known as the "Administrative Review Act", and may hereafter be referred to by that designation.

Section 16. EFFECTIVE DATE.] The provisions of this Act shall apply only to judicial review proceedings instituted after January 1, 1946. Proceedings for judicial review instituted on or prior to December 31, 1945, shall be governed by the law applicable thereto at such time.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 054939746